

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

WILLIAM T. MASON,)	
Plaintiff,)	
vs.)	No. 3:06-CV-0047-K
)	ECF
RUIZ PROTECTIVE SERVICES, et al.,)	
Defendants.)	

ORDER OF THE COURT ON RECOMMENDATION
REGARDING MOTION TO PROCEED IN FORMA PAUPERIS ON APPEAL

Considering the record in this case and the recommendation of the Magistrate Judge, the Court hereby finds and orders that the motion for leave to proceed *in forma pauperis* on appeal is **DENIED** as unnecessary because the Court previously granted Plaintiff permission to proceed *in forma pauperis* in this action in December 2007. That status carries over for purposes of Plaintiff's appeal. *See* Fed. R. App. P. 24(a)(3). Consequently, Plaintiff may proceed with his appeal *in forma pauperis*.

The Court notes that the *pro se* plaintiff in this action did not personally sign the motion to proceed *in forma pauperis*. Rule 11(a) of the Federal Rules of Civil Procedure indicates that the Court should provide an opportunity to correct such deficiency before striking the motion. Because the prior grant of *in forma pauperis* status carries over for Plaintiff's appeal, a properly signed motion is unnecessary, and the Court will not strike the instant motion.

Further, In support of this court's order (Doc. No. 137) granting plaintiff's motion for production of a trial transcript at government expense, the court hereby certifies that the appeal is not frivolous but presents a substantial question. *See* 28 U.S.C. § 753(f). The trial transcript will be needed for use by the 5th Circuit Court of Appeals in deciding the appeal that was filed in this case on July 23, 2008.

SO ORDERED.

Signed: August 14th, 2008

A handwritten signature in cursive script, reading "Ed Kinkeade".

ED KINKEADE
UNITED STATES DISTRICT JUDGE